

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address LAW OFFICE OF JASON B. CRUZ JASON B. CRUZ (SBN 203133) 18 E. State Street, Suite 203 Redlands, California 92373 Telephone: (909) 792-4400 Facsimile: (909) 792-1144 Email: jcruz@jcruzlaw.com	FOR COURT USE ONLY <div style="border: 1px solid black; padding: 5px; text-align: center;">FILED & ENTERED MAR 10 2016 <small>CLERK U.S. BANKRUPTCY COURT Central District of California BY hawkinso DEPUTY CLERK</small></div> <p><input type="checkbox"/> Individual appearing without attorney <input checked="" type="checkbox"/> Attorney for: Debtor/Movant</p>
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA – RIVERSIDE DIVISION	
In re: Dennis Keith Olsen, Debtor(s).	CASE NO.: 6:14-bk-23600-MJ CHAPTER: 7 ORDER: <input type="checkbox"/> GRANTING APPLICATION AND SETTING HEARING ON SHORTENED NOTICE <input checked="" type="checkbox"/> DENYING APPLICATION FOR ORDER SETTING HEARING ON SHORTENED NOTICE [LBR 9075-1(b)]
Movant: Dennis Keith Olsen	

1. Movant filed the following motion together with supporting declarations and (if any) supporting documents:
 - a. *Title of motion:* Motion to Impose the Automatic Stay
 - b. *Date of filing of motion:* March 9, 2016
2. Pursuant to LBR 9075-1(b), movant also filed an Application for Order Setting Hearing on Shortened Notice (Application) together with supporting declaration(s):

Date of filing of Application: March 9, 2016
3. Based upon the court's review of the application, it is ordered that:
 - a. The Application is denied. ~~The motion may be brought on regular notice pursuant to LBRs.~~ See #7
 - b. The Application is granted, and it is further ordered that:

This form is optional. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

- (1) A hearing on the motion will take place as follows:

Hearing date:	Place:
Time:	<input type="checkbox"/> 255 East Temple Street, Los Angeles, CA 90012
Courtroom:	<input type="checkbox"/> 21041 Burbank Boulevard, Woodland Hills, CA 91367
	<input type="checkbox"/> 3420 Twelfth Street, Riverside, CA 92501
	<input type="checkbox"/> 411 West Fourth Street, Santa Ana, CA 92701
	<input type="checkbox"/> 1415 State Street, Santa Barbara, CA 93101

- (2) No later than the deadlines given, **telephonic notice** of the hearing must be provided to all persons/entities listed:

(A) <u>Deadlines:</u>	(B) <u>Persons/entities to be provided with telephonic notice:</u>
Date:	
Time:	
	<input type="checkbox"/> See attached page
	(C) <u>Telephonic notice is also required upon the United States trustee</u>

- (3) No later than the deadlines given, **written notice of the hearing and a copy of this order** must be served upon all persons/entities listed using: one of the methods checked all of the methods checked

(A) Personal Delivery Overnight Mail First class mail Facsimile* Email*

(B) <u>Deadlines:</u>	(C) <u>Persons/entities to be served with written notice and a copy of this order:</u>
Date:	
Time:	
	<input type="checkbox"/> See attached page
	(D) <u>Service is also required upon:</u>
	-- United States trustee (<i>electronic service is not permitted</i>)
	-- Judge's copy personally delivered to chambers (see <i>Court Manual for address</i>)

- (4) No later than the deadlines given, a copy of the motion, declarations, and supporting documents (if any), must be served on all persons/entities listed using: one of the methods checked all of the methods checked

(A) Personal Delivery Overnight Mail First Class Mail Facsimile* Email*

(B) Deadlines:

(C) Persons/entities to be served with motion, declarations, supporting documents:

Date:

Time:

See attached page

(D) Service is also required upon:

- United States trustee (*no electronic service permitted*)
- Judge's copy personally delivered to chambers
(see Court Manual for address)

- (5) Regarding **opposition to the motion**

opposition to the motion may be made **orally** at the hearing

- no later than the deadlines given, **written opposition to the motion** must be filed with the court and served upon all persons/entities listed using: one of the methods checked all of the methods checked

(A) Personal Delivery Overnight Mail First Class Mail Facsimile* Email*

(B) Deadlines:

(C) Persons/entities to be served with written opposition to the motion:

Date:

- movant's attorney (or movant, if movant is not represented by an attorney)

Time:

(D) Service is also required upon:

- United States trustee (*electronic service is not permitted*)
- Judge's copy personally delivered to chambers
(see Court Manual for address)

- (6) Regarding a **reply to an opposition:**

a reply to opposition may be made **orally** at the hearing.

- no later than the deadlines given, a **written reply to an opposition** must be filed with the court and served on all persons/entities listed using: one of the methods checked all of the methods checked

(A) Personal Delivery Overnight Mail First Class Mail Facsimile* Email*

(B) <u>Deadlines:</u> Date: Time:	(C) <u>Persons/entities to be served with written reply to opposition:</u> -- All persons/entities who filed a written opposition
	(D) <u>Service is also required upon:</u> -- United States trustee (<i>electronic service is not permitted</i>) -- Judge's Copy personally delivered to chambers (see Court Manual for address)

- (7) Other requirements: **Debtor's motion cannot be granted. Debtor's case was discharged and closed. The automatic stay terminates as a matter of law because it is replaced by the discharge injunction. Reopening the case does not create a new automatic stay so no automatic stay can be imposed. The alleged creditor violations are violations of the discharge injunction. Debtor can enforce a discharge injunction violation with a contempt proceeding filed in compliance with Local Bankruptcy Rule 9020-1.**
- (8) No later than the deadlines given, movant must file a **Declaration of Notice and Service** establishing that telephonic notice, written notice, and service of the motion and this order was completed as set forth above, and a **judge's copy** of the Declaration of Notice and Service must be personally delivered to the judge's chambers:

<input type="checkbox"/> at least 2 days before the hearing.
<input type="checkbox"/> no later than: Date: Time:

* Service by electronic means (facsimile or email) requires compliance with F.R.Civ.P. 5(b)(2)(E).

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Date: March 10, 2016



Meredith A. Jury
United States Bankruptcy Judge

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2 **DECLARATION OF JASON B. CRUZ IN SUPPORT OF**
3 **MOTION TO IMPOSE THE AUTOMATIC STAY**

4 I, JASON B. CRUZ, am over the age of eighteen years and declare as follows:

5 1. I am duly admitted to practice law in the courts of the State of California and both
6 the United States District and Bankruptcy Courts for the Central District of California, and I am a
7 member of the Law Office of Jason B. Cruz (“Cruz”), counsel for Debtors, Dennis Keith Olsen
8 (“Debtor” or “Movant”) and Susan Joan Kendall-Olsen (collectively, “Debtors”) in this case. I
9 make this declaration in support of Movant Dennis Keith Olsen’s Motion to Reopen Case to File
10 Motion for Contempt and Sanctions Against Scott A. Conwell, Esq. for Violation of the Automatic
11 Stay and Discharge Injunction

12 2. On November 4, 2014, I filed this Chapter 7 on behalf of the Debtors.

13 3. On or about December 3, 2014, I filed an Amended Schedule F and list of creditors
14 to include Movant’s former divorce attorney¹, Scott A. Conwell, Esq. (“Conwell”), in Maryland.

15 4. Notice was sent to Conwell who then filed a secured Proof of Claim on December
16 18, 2015 and Request for Notice on December 19, 2015.

17 1. The Discharge Order was entered on February 17, 2015. There is no dispute that
18 Conwell’s debt was included within the discharge.

19 5. Despite being advised of the pending bankruptcy and subsequent discharge,
20 Conwell filed a series of Affidavits of Attorney’s Liens and Motions to Enforce Attorney’s Liens
21 in the closed Maryland divorce case.

22 6. By May 2015, Conwell’s actions in the Maryland court had become so egregious
23 that Movant was forced to file a grievance with Maryland State Bar.

24 7. In June 2015, Movant hired counsel in Florida² to send Conwell a demand for
25 potential relief and damages for violation of the bankruptcy discharge, which Conwell summarily

26 ¹ Before moving to California, Debtors filed for divorce in Maryland. Movant engaged Conwell to represent him.

27 ² Debtors relocated to Florida after the bankruptcy case was closed.

1 ignored.

2 8. Conwell refused to withdraw his Motions to Enforce Attorney's Liens and on
3 August 3, 2015, the judge in the Maryland case issued a Court Directive on the motions with a
4 response date of August 27, 2015.

5 9. Movant contacted me and I referred him to Jeffrey P. Nesson, Esq. ("Nesson") in
6 Maryland, an expert in family law and bankruptcy, to resolve the Conwell issue.

7 10. Nesson filed a Motion to Dismiss Motion to Enforce Attorney's Lien and a Motion
8 for Attorney Fee's under MD. Rule 1-341 (the latter motion has not yet been ruled upon). On
9 December 8, 2015, following several hearings, the Maryland Circuit Court entered its Order
10 Denying the Third Party Movant Conwell Law LLC's Motion to Enforce Attorney's Liens.

11 11. As the ultimate insult, Conwell has filed an appeal of the Maryland court's ruling.

12 12. On March 4, 2016 Movant filed his Motion to Reopen Case to File Motion for
13 Contempt and Sanctions Against Scott A. Conwell, Esq. for Violation of the Automatic Stay and
14 Discharge Injunction; Declarations of Dennis Keith Olsen and Jason B. Cruz in Support Thereof
15 ("Motion") at Docket #27.

16 13. On March 7, 2016, this Court entered its Order GRANTING the Motion ("Order")
17 at Docket #29.

18 14. The Order did not include language imposing the automatic stay, and based on
19 Respondent's actions, we feel it imperative that the automatic stay be re-imposed to stay any
20 pending or further actions by Respondent.

21 I declare under penalty of perjury under the laws of the United States of America that the foregoing
22 is true and correct, executed this 8th day of March 2016, in Redlands, California.

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/s/ Jason B. Cruz
Jason B. Cruz

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